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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,451	10/27/2003	Balasubramanian Ramachandran	SK990003C1	8905
34408	7590	01/23/2006		
THE ECLIPSE GROUP 10605 BALBOA BLVD., SUITE 300 GRANADA HILLS, CA 91344				
			EXAMINER GELIN, JEAN ALLAND	
			ART UNIT 2688	PAPER NUMBER

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/694,451	Applicant(s) RAMACHANDRAN, BALASUBRAMANIAN	
	Examiner Jean A. Gelin	Art Unit 2688	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: 1-10,25-27 and 64.
- Claim(s) objected to: 14-16,20,31-33,37,43-45,49-51,55-58 and 60-63.
- Claim(s) rejected: 11-13,15-19,21-24,28-30,34-36,38-42,46-48,52-54 and 59.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

DETAILED ACTION

1. This is in response to the Applicant's amendments filed on December 29, 2005 in which claims 1-64 are currently pending.

Response to Arguments

2. Applicant's arguments filed 08/23/05 have been fully considered but they are not persuasive.

As per claims 11, 28, and 42, the Applicant argues that Samson does not teach a mode selector for selecting a mode of operation of a transmitter but does teach a mode select signal; also Samson does not teach a controller that adjust the operating current of at least part of the transmitter responsive to the mode selector. However, the Examiner disagrees with the preceding argument. Samson inherently teaches a device performing the function of switching (corresponding to mode selector) the transmitter from wideband to narrowband. The device coupled to a microprocessor controls the transmitter, and includes means to attenuate or amplify the deviation level when the transmitter changes from wideband to narrowband and vice versa (corresponding to adjusting the operating current) (see rejection above).

The Applicant disagrees that the attenuation of the average and maximum deviation levels of transmitted signals in a communication system of Samson teaches the claimed invention that teaches the adjustment of operating current of at least part of the transmitter; furthermore, the Applicant argues that the device coupled to the microprocessor of Samson does not disclose a controller that adjusts an operating

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current responsive to a mode selector. However, the Examiner disagrees with the preceding assertions. The system of Samson includes an automatic adjuster to adjust signal's deviation level when the signal level increased or increased. The system of Samson also includes means for determining the mode selection, and means for determining and adjusting the deviation level. These features clearly can perform the functions of the claimed limitation. The microprocessor can perform the function of a controller. Selecting a mode and adjusting the current based on the selected mode as recited in claims 11, 28, 42, 48, 54, and 59 is not patentable and this feature is read on Samson as recited in the previous Office Action.

The Applicant argues claims 12, 13, 15-19, 21, 21-24, 29, 30, 34-36, 38-41, 46-47, and 52-53 depend directly and indirectly from allowable claims 11, 28, 42, 48, 54, and 59, and therefore allowable over Samson. The Examiner disagrees with the preceding arguments. Given that claims 11, 28, 42, 48, 54, and 59 are rejected, therefore the rejection of claims 12, 13, 15-19, 21, 21-24, 29, 30, 34-36, 38-41, and 46-48 are maintained.

The status of claims 1-64 remains the same as recited in the final Office Action.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

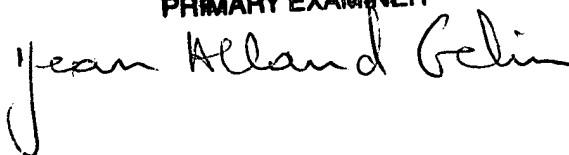
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin
January 18, 2006

JEAN GELIN
PRIMARY EXAMINER

A handwritten signature in black ink that reads "Jean Allard Gelin". The signature is written in a cursive style with a large initial "J".